

Group XIII: claims 26 and 29;
Group XIV: claims 26 and 28;
Group XV: claims 26 and 29;
Group XVI: claims 27 and 28; and
Group XVII: claims 27 and 29.

Applicants hereby elect to prosecute the claims of VI (claims 15-17 and 19), with traverse. Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

This election is made with traverse, on a number of grounds.

First, as stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-29 together. Accordingly, Applicants traverse the restriction requirement.

Secondly, it is Applicants' position that, at the very least, claims 18, 20, 21, and 22 should be rejoined with claims 15-17 and 19.

Thirdly, the undersigned Applicants' representative wishes to go on record as vehemently opposed to the issuance of three Restriction Requirements in the space of 13 months in the instant case. The first Restriction Requirement issued on August 27, 2003. Applicants filed a timely response on September 23, 2003. A second Restriction Requirement issued on December 17, 2003. Applicants again filed a timely response on January 20, 2004. On August 3, 2004, about one and a half months after the final response date of June 17, 2004, Examiner Bertoglio called the undersigned Applicants' representative; and reported that the U.S. Patent and Trademark Office had not received a response to the December 17, 2003 Restriction Requirement. A copy of the response as originally filed on January 20, 2004, along with a copy of the returned postcard, was sent to Examiner Bertoglio via facsimile on August 3, 2004. Now Applicants have received a third Restriction Requirement, incurring unnecessary cost to the client, as well as unnecessary prosecution delays.

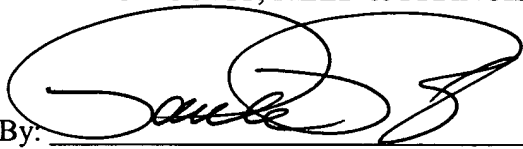
Applicants also wish to point out that the September 17, 2004 Restriction Requirement erroneously indicated that the September 17, 2004 Restriction Requirement is responsive to the communication "filed on August 3, 2004." In fact, as explained above, a response to the second Restriction Requirement was timely filed on January 20, 2004. Thus, the September 17, 2004 Restriction Requirement should have stated that the September 17, 2004 Restriction Requirement is responsive to the communication "filed on January 20, 2004." It is the understanding of the undersigned Applicants' representative that Examiner Bertoglio will issue an Interview Summary, indicating that the date will be corrected on the record at the U.S. Patent and Trademark Office.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL-105 CIP2.

Respectfully submitted,
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Date: Oct. 18, 2004

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